

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/000894

International filing date (day/month/year)
25.03.2004

Priority date (day/month/year)
23.01.2004

International Patent Classification (IPC) or both national classification and IPC
B21F23/00, B65G47/14

Applicant
M.E.P. MACCHINE ELETTRONICHE PIEGATRICI SPA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Ritter, F

Telephone No. +49 89 2399-2387



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/585413

International application No.
PCT/IB2004/000894

AP20 Rec'd PCT/PTO 07 JUL 2006

Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000894

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	1-21
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : EP 1 356 875 A (SCHNELL SPA) 29 October 2003 (2003-10-29)
D2 : DE 11 44 569 B (ASEA AB) 28 February 1963 (1963-02-28)
- 2 Independent claim 1 and dependent claims 2-17:
Document D1, which is considered to represent the most relevant state of the art, discloses a feeder device according to the preamble of claim 1.
From this, the subject-matter of independent claim 1 differs in that the device comprises second magnetic means able to pick up, from said first magnetic means, at least one bar at a time from said plurality of bars and to unload said at least one bar in a desired release position.
 - 2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)
The problem to be solved by the present invention may be regarded as providing a device capable of feeding bars of different diameters without any change of format. In D1 the screw feeder 17 has to be changed in order to adapt the device to different diameters of the rods.
 - 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
The only prior art document that shows a feeding device comprising first and second magnetic means is document D2. But in this document the first magnetic means do only pick up one single bar, which is then transferred to the second magnetic means. Furthermore, the problem of feeding rods of different diameters is not addressed in this document. For these reasons the skilled person would not consult D2 in order to find a solution to the above mentioned problem.
 - 2.3 Claims 2-17 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

- 3 Independent claim 18 and dependent claims 19 to 21:
Document D1, which is considered to represent the most relevant state of the art, discloses a method according to the preamble of claim 18.
From this, the subject-matter of independent claim 18 differs in that it comprises a second step wherein second magnetic means are brought near said first magnetic means in order to pick up therefrom at least one of said plurality of bars, and are then distanced therefrom in order to arrange said at least one bar in a desired release position.
- 3.1 The subject-matter of claim 18 is therefore novel (Article 33(2) PCT)
The problem to be solved by the present invention is the same as mentioned above for the device.
- 3.2 The solution to this problem proposed in claim 18 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the same reasons as mentioned above for the device.
- 3.3 Claims 19-21 are dependent on claim 18 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.